## **EXHIBIT A**

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-	1 SUPREME COURT OF THE STATE OF NEW YORK	
2	COUNTY OF KINGS CRIMINAL TERM PART DV	
3	THE PEOPLE OF THE STATE OF NEW YORK	
4	• TNDTCTMENT	
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6	HECTOR MENDOZA, :	
7	Defendant. : CALENDAR CALL :	
8	: X	
9	Supreme Court 320 Jay Street	
10	Brooklyn, New York 11201 February 10, 2022	
11	BEFORE:	
12	HONORABLE MATTHEW D'EMIC,	
13	Justice of the Supreme Court	
14	APPEARANCES:	
15	ERIC GONZALEZ, ESQ.	
16	District Attorney, Kings County 350 Jay Street	
17	Brooklyn, New York 11201 BY: LAUREN FITTON, ESQ.	
18	Assistant District Attorney	
19	ANTHONY L. RICCO, ESQ.	
20	Attorney for the Defendant 20 Vesey Street	
21	New York, New York 10007	
22	ALSO PRESENT:	
23	STEVEN Z. LEGON, ESQ.	
24		
25	DEBRA FERRARO SENIOR COURT REPORTER	

## PROCEEDINGS

1 THE CLERK: Calling number five, 72165 of '21, 2 Hector Mendoza. 3 MR. RICCO: Good morning, your Honor. Anthony Ricco for Mr. Hector Mendoza. I am joined this 4 5 morning, your Honor, by my associate, Mr. Steven Legon, who 6 is on the screen. Your Honor, Mr. Mendoza is present. He 7 is in Los Angeles and he is appearing virtually, and the 8 individuals you see in the background, your Honor, are students in my trial advocacy class at Fordham and they will 9 10 be listening in quietly during this morning's court 11 proceedings. Thank you, your Honor. 12 THE COURT: We are happy to have them. 13 MS. FITTON: Good morning, your Honor. Assistant District Attorney Lauren Fitton, F-I-T-T-O-N, 14 15 for the People. 16 THE COURT: Good morning. 17 MS. FITTON: Your Honor, if I could make a brief 18 record? 19 THE COURT: Yes. 20 MS. FITTON: Your Honor, post indictment, defense 21 counsel turned over to the People an audiotape recording 22 where the complainant stated that she would use her power 23 against the Defendant to have him charged with rape. 24 DA's office spoke to the complainant about the recording and 25 the complainant provided an explanation. However, the

1 complainant made other statements about the recording to the 2 Los Angeles police as she did not make to the DA's office. 3 Additionally, when the complainant was asked about 4 any substance abuse theory based on allegations brought by 5 the defense, the complainant denied any. Yet, medical 6 records showed otherwise. 7 Based on these disclosures, our investigation and 8 our ethical obligation, the People no longer have a viable 9 So, at this time, we are moving for dismissal of the 10 indictment. 11 THE COURT: Any objection? 12 MR. RICCO: No. sir. 13 THE COURT: The indictment is dismissed and sealed. 14 MR. RICCO: Your Honor, thank you very much for 15 your patience with this case, and I also want to thank the 16 Kings County District Attorneys office for responding to the 17 information that we provided and conducting an independent 18 investigation into this very serious matter. So, thank you 19 very much, your Honor. 20 THE COURT: Okay, thank you. Good luck. 21 22 The foregoing is certified to be a true and 23 accurate transcript of the proceedings.

SENIOR COURT REPORTER

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